

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Gwendolyn G. Nelson,	)	
	)	C/A No. 1:09-1972-MBS
Plaintiff,	)	
	)	
vs.	)	
	)	<b>ORDER</b>
Michael J. Astrue, Commissioner of	)	
Social Security,	)	
	)	
Defendant.	)	
_____	)	

Plaintiff Gwendolyn G. Nelson brought this action to obtain judicial review of a final decision of Defendant Commissioner of Social Security denying Plaintiff's claims for benefits under the Social Security Act. See 42 U.S.C. § 405(g). On December 1, 2010, the court remanded the Commissioner's decision pursuant to sentence four of § 405(g) for further administrative proceedings.

This matter now is before the court on Plaintiff's motion for attorney's fees filed October 27, 2011. Counsel moves for an order awarding attorney's fees of \$13,738.00 under the Social Security Act, 42 U.S.C. § 406(b).<sup>1</sup> On November 10, 2011, the Commissioner filed a response informing the court that he did not oppose Plaintiff's motion for fees. Accordingly,

**IT IS ORDERED** that Plaintiff's motion for fees under 42 U.S.C. § 406(b) be **granted** in

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<sup>1</sup> By separate order, attorneys' fees have been awarded under the Equal Access to Justice Act, 28 U.S.C. § 2412 ("EAJA"), in the amount of \$6,704.00. The lesser of the two fees shall be refunded to Plaintiff.

the amount of \$13,738.00.

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour  
Chief United States District Judge

January 9, 2012

Columbia, South Carolina